

EXHIBIT H

1 Investigation into the Death
2 of Irwin Schiff

3 12/30/87- Eighth Special

4 ADA DUGAN/KM

5
6
7 A. (Continuing) I figured what the
8 heck, Jonathan doesn't seem to mind it
9 closed. And -- but I don't know if it was
10 opened again at that time. But -- you know --

11 Q. But what's your best recollection
12 as to the time you first noticed that the
13 door that you had latched open was closed?

14 A. Well, Jonathan finished their job
15 10:00 and there was some garbage and all
16 kinds of paint cans and paint brushes and I
17 told him, "Look, Jonathan, I will take
18 garbage down. Thank you very much. You did
19 a good job," blah, blah, and he left.

20 Q. At about what time?

21 A. It was around 10:00 he left. And
22 I didn't take the garbage down right away, I
23 moseyed around and after about ten minutes
24 or maybe 15 minutes --

25 Q. Okay, but slow down now, the

Lewis

14

2227

1 and I said "murder, where, who, and nobody
2 seemed to know anything and I pushed my way
3 to the front of the crowd and I stood there.
4 And then I tried to go to my entrance and
5 two police men immediately stopped me and
6 barred their arms away -- they crossed
7 their arms out, I mean, they put their arms
8 out and physically -- like to physically bar
9 me. And they told me "You can't come in
10 here. You can't come near here. Don't touch
11 anything."

12 Q. Where were you when they stopped
13 you; how far had you gotten?

14 A. I got to right -- standing in
15 front of them. And I said, "But I live
16 here." And they said "Sorry, nobody allowed
17 in here right now. You can't come in."

18 Q. Was this outside the building or
19 inside the building?

20 A. This is outside the building.

21 Q. Were these two uniformed police
22 officers?

23 A. Yes, two uniformed.

24 Q. Now, does there come some point
25 in time -- sorry about that, let me go back

KM

Lewis

27

2210

1-4-17 legitimate question. Do you have any basis
2 in fact for believing that anyone who is
3 employed by or associated with the
4 restaurant has some connection to what you
5 perceive to be organized crime?

6 A. Well, I just feel guilty about
7 talking about this.

8 Q. Well, you shouldn't feel guilty
9 about it. Everything that you say is a
10 matter of confidence, and this record is
11 sealed and the only people that can see it
12 are myself and the ladies and gentlemen of
13 the of the jury so please tell us what you
14 know.

15 A. Okay, I was pulled into the
16 restaurant a lot after the murder by the
17 waiters, they'd call me in a lot and
18 everybody would talk to me a lot. And I was
19 offered food a lot and -- you know -- I
20 wondered why. And since what had happened --
21 I like to know why things happen and I came
22 in and -- you know --- I became friendly
23 with them and they were very nice to me,
24 like a family. And there is one man that
25 comes in there a lot and he drinks there.

KM

Lewis

29

221

1 anybody.

2 A. His name is Bill. *E*

3 Q. What does he do for the
4 restaurant, Bill?

5 A. I don't know -- you know -- for a
6 fact -- you know -- but I am pretty sure --
7 you know -- he does the books.

8 Q. Has Bill ever spoken about the
9 homicide?

10 A. He once mentioned it.

11 Q. What did he say about it?

12 A. He said something about when a
13 contract goes out on a guy.

14 Q. Did he say anything about who put
15 the contract out?

16 A. No.

17 Q. Did he say anything about who
18 fulfilled the contract?

19 A. No.

20 Q. What did he say about a contract?

21 A. Well, he just mentioned that --
22 you know -- regarding -- you know -- the
23 August 8th murder.

24 Q. What did he say about a contract?

25 A. You know I don't remember. I

KM

Lewis

30

2243

1 just remembered those words -- you know --
2 and I thought -- surprised that -- you know -- >>
3 someone with such a loose tongue would be
4 allowed to remain there as much as he was.

5 Q. Who was he saying this, about a
6 contract, to?

7 A. Me and Laurie.

8 Q. Laurie is a girlfriend?

9 A. Laurie is Mario's daughter who
10 was tending bar.

11 Q. Okay, did anybody -- did he give
12 you any reason to believe that he knew of
13 any kind of contract in connection with Mr.
14 Schiff?

15 A. Well, he gave -- he made it sound
16 like it's already -- well, like it was
17 common knowledge.

18 Q. Other than it sounding like --
19 other than suggesting to you that it was
20 common knowledge, that there was a contract,
21 did he suggest, in any way, that he had
22 inside knowledge that there was a contract?

23 A. I am not sure. I don't know, but -- >>

24 Q. Keep in mind now you have a
25 responsibility to tell us the truth, the

KM

Lewis

31

2241

1 whole truth and nothing but the truth.

2 A. Well, I know he's known the
3 family for a long time and he has
4 partnership in something like 16 shoe stores.

5 Q. Sixteen shoe stores? What does
6 he do for Mario Lazzinnaro, this fellow,
7 Bill?

8 A. Well, I guess he does his books.
9 He says he gets a thrill out of beating the
10 government. He says there is nothing like it.

11 Q. Nothing like it. Okay. Do you
12 know Bill's last name?

13 A. No, I don't.

14 Q. Now, has anybody else inside the
15 restaurant, anybody associated with the
16 restaurant or who works for the restaurant
17 spoken to you about a contract?

18 A. No.

19 Q. Have they spoken to you at all
20 about the homicide, what they knew about the
21 homicide or what they saw or what they heard
22 that night?

23 A. No. No.

24 Q. Did you tell them what you saw?

25 A. I told Laurie and Gail -- Gail is

KM

Lewis

32

2245

* 1. "Sergio's wife -- that I saw Irwin Schiff's
2 dead body laying on the floor."

3 Q. Did there come a point in time
4 during the evening when you took a look at
5 Mr. Schiff's body?

6 A. Yeah, I looked at it a couple of
7 times.

8 Q. But getting back to my question,
9 my question is this, did you tell anybody
10 who works for the restaurant or is
11 associated with the restaurant or is related
12 to anybody in the restaurant about the man
13 that you saw in the back?

14 A. No. No one in that restaurant,
15 to my knowledge, has been -- you know --
16 knows about it for all I know. And I don't
17 know, but I never told them. He could have
18 told them.

19 Q. Did you ever ask them -- and it's
20 a very broad question -- did you ever ask
21 anybody who worked for or was associated
22 with the restaurant or who was related to
23 anybody inside the restaurant -- did you
24 ever ask them what they saw, what they heard,
25 what happened in the restaurant that night?

KM

2243

Lewis

33

1 A. No. I saw Louis -- you know --
2 talking to the detectives that night -- you
3 know -- running around the building
4 answering their questions and -- you know --
5 doing whatever the detectives wanted him to
6 do -- you know. He was very busy that night.

7 Q. Did you ever see a napkin in the
8 hallway of that building?

9 A. No, but I have seen the napkin in
10 those photographs.

11 Q. Right. And do you have any
12 recollection of there being a napkin inside
13 the building before you -- before you left
14 to go to the pizza store?

15 A. No.

16 Q. How about afterwards?

17 A. I don't remember seeing it, no.

18 Q. I am just a little bit curious,
19 you say that the people in the restaurant
20 were friendly with you, were they friendly
21 with you before the homicide or was it just
22 after the homicide that they became friendly
23 with you?

24 A. It was just after the homicide.
25 Maybe it's because Louis liked me -- you

KM

Lewis

34

2217

1 know -- I don't know. It might have
2 something to do with Louis.

3 Q. And nobody in the restaurant said
4 anything about the homicide to you, where --
5 where they were when the homicide occurred
6 or what they saw?

7 A. No, they just -- you know --
8 liked me and they got to like me and were --
9 they are very friendly, concerned about me
10 and -- you know -- about my welfare and they
11 were very nice to me, very nice to me,
12 extremely Nice To Me.

13 Q. Now, on that note, I have told
14 you about the fact that your testimony and
15 your identity is confidential and it cannot
16 be disclosed by anyone in connection with
17 this Grand Jury proceeding and I just wish
18 to advise you that the only one who has the
19 legal authority to disclose the fact that
20 you came here today and to disclose what you
21 say to these ladies and gentlemen of the
22 Grand Jury is yourself. We can't prevent
23 you from telling people about your testimony
24 but, I can give you my personal advice and
25 you're free to accept it or reject it, it

KM

221

Lewis

35

14-41 has no binding authority, I suggest and I
2 recommend that you not talk about what you
3 saw and that you not talk about your
4 testimony here today. Now, you're free to
5 accept that and free to reject it but, that
6 is the -- that's advice that I give to
7 practically every witness that appears
8 before this Grand Jury. The only person
9 that can talk about what you said here is
10 yourself so keep that in mind and just use
11 your common sense in that regard.

12 A. I'd like to say something right
13 now --

14 Q. Okay.

15 A. -- to the people of the jury, to
16 please not tell your friends or anybody
17 about this.

18 Q. Well --

19 A. Please.

20 Q. I don't think you have to worry
21 and I say that based upon experience. These
22 ladies and gentlemen of the Grand Jury have
23 been exceptional in terms of honoring their
24 commitment and they appreciate your remarks
25 to them and I am sure they will follow it.

KM

Lewis

36

2210

1 Q. Now, again, have you spoken to
2 anyone inside your building, that is, any
3 tenant or any visitor to the building or
4 anybody associated with the building about
5 what you saw that night?

6 A. Well, there was two -- three
7 other people that know that I saw somebody
8 in that building and one of them has moved.
9 One of them has terrible memory and I am
10 sure she forgot -- completely forgot it and
11 the other one I think either forgot it or
12 has permanently decided to forget about it.

13 Q. Now, next question, very broad
14 question, has anyone who lives inside the
15 building or who visits the building or who
16 has some association with the building -- I
17 am trying to make this class of people as
18 broad as I can make it -- has anybody told
19 you about what they saw or heard the night
20 that Mr. Schiff was shot?

21 A. Yes.

22 Q. Okay, tell us what you know.

23 A. My neighbor who has moved far
24 away, told me that he heard -- you know --
25 this noise, and he was in his apartment when

PM

Lewis

37

225

1 it happened and he heard the shots, but he
2 didn't come out right away and when he did
3 come out it was all ready -- you know --
4 when the police cars were there and the
5 people were out there.

6 Q. Is that Mr. Opp?

7 A. Yes.

8 Q. Ed Opp?

9 A. Yes.

10 Q. Did Mr. Opp tell you whether or
11 not he saw anyone?

12 A. He saw nothing because -- you
13 know -- he stayed in his apartment. He
14 didn't come out right away because he
15 figured he'd get hurt if he did because he
16 heard bullet shots.

17 Q. Did he tell you whether or not he
18 heard anything else aside from bullets?

19 A. No, but somebody else heard
20 something else. Another person named Jill,
21 she heard garbage cans being moved and she
22 heard that. She was in the apartment next
23 to his.

24 Q. Next to Mr. Opp's?

25 A. Yes.

Lewis

38

2251

1 Q. What did Jill say that she heard?

2 A. Garbage cans.

3 Q. Anything particularly unusual
4 about the garbage cans?

5 A. Loud noises from garbage cans. I
6 don't remember like -- you know -- exactly --
7 you know -- if it was -- what it was, but
8 something about garbage cans.

9 Q. Did she tell you whether or not
10 she heard the shooting?

11 A. I don't think she heard the
12 shooting. I think she just heard the
13 garbage cans because her apartment is over
14 the street of Second Avenue which is a noisy
15 street, whereas Ed's building -- Ed's
16 apartment is in the back and his is directly
17 over the restaurant and it's much more
18 accessible to hearing noises.

19 Q. Could you tell us about Jill and
20 Mr. Opp? What about anybody else, anybody
21 else tell you they saw or heard anything
22 that they thought it was suspicious with
23 respect to that?

24 A. No.

25 Q. Did you tell Mr. Opp -- I think I

KM

Lewis

10

2223

1 A. No.

2 Q. Was your vision -- can you see
3 behind that door from where you were?

4 A. No, you can't. You know --
5 something could be there and I would not see
6 it.

7 Q. Okay, now, so you turned and you
8 left the building, is that correct?

9 A. Yes.

10 Q. Now, was the vestibule door
11 locked?

12 A. You know -- that inner door was
13 most definitely locked. The other door was
14 never locked but, as far as I remember, it
15 was closed.

16 Q. Did you see anything on the floor
17 either in the vestibule or by any of the
18 doors?

19 A. No, the only thing in that
20 hallway that was there were the garbage cans
21 that I decided not to go to.

22 Q. Was there anything propping any
23 of the doors open?

24 A. The door -- the vestibule door
25 was locked, the other doors were open. They

KM 1

Lewis

11

1 don't have have to be propped open, if you
2 open them, they just stay open.

3 Q. I am talking about the -- let's
4 concentrate on the vestibule door on the
5 outer door to Second Avenue. My question is,
6 were those doors propped open in any way
7 by anything?

8 A. No. The vestibule door was
9 locked. The other door the Second Avenue
10 door I am pretty sure was closed. I am not
11 sure of that one, but I am absolutely
12 positively, one hundred percent indubitably
13 positive that door was closed.

14 Q. I won't ask you what you mean by
15 indubitably. Now, you leave the building,
16 you go to the corner -- what corner?

17 A. 76th and Second Avenue.

18 Q. Okay, and you put the garbage in
19 the trash can there?

20 A. Yes.

21 Q. 76th and Second, what -- could
22 you describe the compass direction of that
23 corner?

24 A. Yes, that's the east -- the south
25 east corner.

2224

1KM

Lewis

12

2225

1 Q. And where was this pizza shop
2 located that you went to get a slice?

3 A. That's the northwest area of
4 Second Avenue between 76th and 77th.

5 Q. I take it that you were alone
6 during this?

7 A. Yes, I was alone.

8 Q. So you go to the pizza store, do
9 you get your slice?

10 A. Yes.

11 Q. How many slices do you have?

12 A. I just started one slice.

13 Q. Did you eat it there?

14 A. Yes, I sat at a table and I ate
15 the slice.

16 Q. Did you have a soda?

17 A. Yeah, I always have a soda. And
18 I was cleaning out my pocketbook.

19 Q. In the pizza store?

20 A. Yeah, cause I was trying to get
21 myself organized.

22 Q. Now, how long do you spend at the
23 pizza store?

24 A. I was there about ten minutes and
25 this man comes in the pizza parlor and he

128

Lewis

13

2223

1 says oh, oh, there is all these police cars
2 outside. And I didn't think much about it.
3 And he kept rambling on about it, all this
4 loud stuff going on outside. So I said to
5 myself, well, normally I don't feel like
6 getting up but since it's near my apartment
7 maybe I better look outside the door. So I
8 went out and took a peek, and to my surprise
9 it's right at my building. So, I got very
10 curious and I walked over there.

11 Q. Go ahead, tell us what happened
12 when you walked over there?

13 A. I got over there and there was
14 like lots and lots of police cars and tons
15 of tons of people, crowds of people. And I
16 never seen anything like this and except for
17 maybe in the movies. And I tried to get
18 closer through the crowd and I see my
19 entrance, it's all barred up with a ribbon
20 and the whole area is cordoned off with a
21 ribbon. And I ask some people what was the
22 matter and somebody said they didn't know
23 and then I asked some more and some man
24 quietly whispered maybe they think it's a
25 murder. And then I looked at the building

KM

Lewis

2215

1 question was, when did you notice the first
2 time that day that the doors were closed?

3 A. Oh, Sara had closed the door
4 sometime late in the afternoon and I don't
5 know, I might have reopened them again. I
6 am not sure, but I don't think I did. I
7 think I left them closed because the first
8 time she yelled at me I tried to get her to
9 forget about it -- you know -- I wanted
10 those doors open but then later on in the
11 day it didn't seem to matter too much
12 because most of the doors had been done and --
13 you know -- I figured I'd make her happy.

14 Q. Okay, now Jonathan you tell us
15 leaves at approximately 10 p.m.?

16 A. Yes.

17 Q. Now, tell us what you did after
18 Jonathan leaves?

19 A. Well, about ten minutes, maybe 15
20 minutes after he left, I got all the garbage
21 together, two bags of it and I locked my
22 apartment door and I moseyed on down the
23 staircase with my garbage. And I noticed
24 the door was closed when I got to the bottom
25 of the stairs. I made a mental check of

1 RM

Vivian Lewis, New York, New York

100-100000000
Lewis

2217

1. what you saw?

2. A. Well, all the way at the very end
3. of the hallway the doors to the restaurant
4. were open and there was a man standing there
5. facing the doorway that leads to Second
6. Avenue and he was standing with his feet
7. spread apart and he was facing Second Avenue
8. dead center and he was a very tall man about
9. 6 foot 2 maybe 6 foot 3, very well built,
10. with black hair, thick black hair, very well
11. groomed and very, very nice suit on.

12. Q. What was he doing?

13. A. He was just standing there but he
14. was kind of like posed on the tip of his
15. toes kind of almost rocking back and forth a
16. little bit and he looked like he was like
17. ready to do something, I don't know. I just
18. felt very uncomfortable looking at him.

19. Q. Why did you feel uncomfortable
20. looking at him?

21. A. Because I felt -- I felt that I
22. shouldn't be there. I felt like I was
23. intruding. I felt I shouldn't be there.
24. Even though I lived there I sensed that --
25. you know -- I am a very friendly person but

Lewis

2218

1 For some reason there was no friendliness in
2 this connection between two human beings and
3 it was like -- it's almost like he
4 disapproved of me being there. That's the
5 best way I could explain it. And I didn't
6 want to take my garbage to the -- to the
7 trash cans back there because I knew it was
8 going to stink up the hallway. Sometimes I
9 will do it, but since it's the weekend I
10 figured I'll take it outside. So I wondered
11 what the heck he was doing standing there
12 because he didn't work in the restaurant. I
13 never seen him before and why was he
14 standing there like that. And I decided
15 well, I am not going to wonder about it, I
16 am just going to leave, and I went to the
17 door; I opened the door. With my garbage, I
18 went through the vestibule, and I went out
19 and I dumped it on the corner and I went out
20 and got a slice of pizza.

21 Q. When you say dumped it on the
22 corner --

23 A. There is a garbage can on the
24 corner, outside.

25 Q. Let's talk a little bit about

Lewis

6

2279

1- this man. First of all, where was it when
2 you saw him for the first time?

3 A. He was standing -- you know --
4 where the restaurant is. There is like --
5 there is a little area just -- it's just a
6 little, little area and it was lit up, you
7 see. And I know he was standing right there -- >>
8 you know -- because the light was on him and
9 the hallway in front of him was all dark you -- >>
10 know -- but I could see him clearly and he
11 could see me clearly and we looked at each
12 other.

13 Q. Did you say anything to the man?

14 A. No because there was no sense of
15 friendliness in this encounter.

16 Q. I take it that he didn't say
17 anything to you?

18 A. No, he didn't.

19 Q. Was he a restaurant employee?

20 A. He definitely was not, no.

21 Q. Okay, how do you know that?

22 A. Well, I just know everybody that
23 works in the restaurant because I live there
24 and I see them everyday.

25 Q. Was he a resident of the building?

1 KM

Lewis

7

1 A. No, I know everybody that lives
2 in my building.

3 Q. Now, this is at about what time
4 of the evening, approximately?

5 A. I guess -- you know -- about ten
6 after 10 or 10:15 p.m.

7 Q. Now, did you make eye contact
8 with this man?

9 A. For sure.

10 Q. Did he make eye contact with you?

11 A. Very much so.

12 Q. How long do you think you stood
13 there looking at him?

14 A. Not too long -- you know -- I
15 stood there staring at him for a few seconds
16 and like tried to figure out what's the
17 story here and then about four seconds --

18 Q. You told us --

19 A. -- maybe five.

20 Q. I think you told us the man was
21 approximately how tall?

22 A. 6'2, 6'3, maybe.

23 Q. Okay, what kind of build did he
24 have?

25 A. Oh -- you know -- very -- you

KM

Lewis

8

2211

1 know -- good shoulders, strong looking,
2 like he could have been a boxer or somebody
3 tough -- you know -- like robust, for sure --
4 you know -- somebody that you wouldn't want
5 to reckon with if you had to.

6 Q. Was he fat, was he skinny?

7 A. No, he was not fat at all. He was
8 not skinny he was well built like an athlete.

9 Q. How was he dressed?

10 A. He was dressed extremely well
11 which made me very confused why he was
12 standing there -- very, very good suit. It
13 looked -- this looked like a real good suit
14 one that would cost some money.

15 Q. Could you give us a color for the
16 suit or a shade?

17 A. Gosh -- you know -- that's all I
18 can remember now.

19 Q. Do you remember if the man was
20 wearing a tie?

21 A. Sorry, but I can't remember if he
22 was wearing a tie anymore -- you know.

23 Q. How was his body positioned?

24 A. It was strangely -- in the sense
25 that it was like somebody that -- it's

Lewis

ready. Somebody, that's ready.

Q. Where were his arms in relation to his body when you saw him?

A. As far as I remember his arms were on his side but I don't remember exactly what he was doing with his arms, I just remember a sense of immediacy of action or of somebody that -- that's very alert -- somebody that's very ready. I can't explain that.

Q. What about his hands, could you see his hands?

A. No, I don't remember looking anymore now -- you know -- it's so long ago, I don't remember.

Q. Did you see anybody else in the corridor?

A. Nobody else, just him and me.

Q. Now, from where you were, could you see what was behind the basement -- you know -- where the basement door is?

A. Yes.

Q. Could you, from where you were -- from where you saw this man, could you see anything by that door?

RM

Lewis

15

222

1-47 to my train of thought, do you -- when you
2 go back to the building, do you see the man
3 that was standing in the restaurant?

4 A. No.

5 Q. Did you look for him?

6 A. Well, I didn't look for him but I
7 noticed specifically he wasn't there.

8 Q. Now, does there come a point in
9 time when you tell the police about what you
10 saw?

11 A. Yes.

12 Q. When do you tell the police for
13 the first time about this man that you saw
14 in the corridor?

15 A. The first time was that evening,
16 I told an officer.

17 Q. Do you remember who you told?

18 A. I have his name on a piece of
19 card in my pocketbook.

20 Q. Oh, could you give it to us
21 please. Now I understand why you were
22 cleaning out your pocketbook.

23 A. His name is John C. S- C- H- L- A-
24 G- L- E- R.

25 Q. Let me take a look at that?

KM

Lewis

17

223

1. A. Definitely. Mr. Sexton. And --
2 wait a minute -- take that back, not Mr.
3 Sexton, okay, that's a mistake, Mr. Frawley.
4 You want the spelling of that?

5 Q. No, that's okay, I think we got
6 it.

7 A. Mr. Frawley and another man who I
8 have never seen ever again and another guy
9 who I saw the night of the murder and I
10 think he was probably the F B I, who knows.

11 Q. Okay, all right. Have you seen
12 the man that you saw in the corridor since
13 that day?

14 A. What?

15 Q. Have you seen, not the detectives,
16 now, I am talking about the man that was in
17 the restaurant that you saw from when you
18 turned the stairway, have you seen him since?

19 A. No.

20 Q. Have you ever seen him in the
21 restaurant in the neighborhood or inside the
22 building since?

23 A. No.

24 Q. No?

25 A. No.

KM

Lewis

18

2231

1 apartment?

2 A. Yes.

3 Q. Tell us what you know about that.

4 A. Well, you know, everybody in the
5 restaurant is amazed, you know, because the
6 rent I pay. It's a rent stabilized
7 apartment. And so, you know, Luis, you know,
8 and then also I had made it known to
9 everybody in the restaurant that I wanted to
10 go away. You know. I told everybody I want
11 to go on a trip. I want to leave New York.
12 I want to see, you know, go somewhere else.

13 Q. Did you tell them that before the
14 shooting or after the shooting?

15 A. After the shooting. And so, you
16 know, Luis' -- it was Luis' idea. I told
17 him that I, you know, was trying to find
18 somebody maybe a nice somebody to maybe rent
19 to while I was gone for a couple of months.
20 I wanted to go to Oregon and I wanted to go
21 to Alaska just to see what it was like there.
22 They were amazed that I would want to leave
23 New York. Most of them said I was crazy to
24 want to leave New York and I have such a
25 nice apartment.

VM